

U.S. Patent Application Serial No. 10/696,298  
Reply to Office Action dated July 6, 2007

### **REMARKS**

This Amendment and Response is in reply to the Office Action dated July 6, 2007.

Applicants wish to thank the Examiner for the Examiner's careful review and consideration of this application.

In the subject Action, claims 1-30 were rejected and claim 30 was objected to. Applicants have amended claims 1-2, 6 and 30. New claims 31-38 have been added. No new matter has been added. Claims 1-38 remain pending in the present application. In light of the foregoing amendments and the following remarks, Applicants respectfully request withdrawal of the pending rejections and advancement of this application to allowance.

#### **Claim Objection**

Claim 30 was objected to under 37 CFR 1.75(c), as being of improper dependent form for failing limit the subject matter of a previous claim. Applicants have amended claim 30 to depend on independent claim 21. No new matter has been added by reason of these amendments. It is noted that the amendments discussed in this section were not made to overcome art based rejections. Accordingly, such amendments should not be construed in a limiting manner. Applicants respectfully request reconsideration and withdrawal of the objection.

#### **Rejections under 35 U.S.C. § 112**

Claims 1-2 and 6 were rejected under § 112, second paragraph, as being indefinite. In particular, the Office Action stated that there is insufficient antecedent basis for the limitations "the available products", "the amount", and "the price data" in claim 1. The Office Action also stated that the phrase "may be increased" renders claim 1 indefinite and the phrase "may be configured" renders claim 2 indefinite. Finally, the Office Action stated that there is insufficient antecedent basis for the limitation "the amount" line 2 of claim 6.

Applicants thank the Examiner for pointing out these issues. Claims 1-2 and 6 have now been amended to clarify these issues raised in the Office Action. In addition, Applicants have

U.S. Patent Application Serial No. 10/696,298  
Reply to Office Action dated July 6, 2007

amended claim 1 to correct a typographical error by change "generates" to "generating".

Withdrawal of the rejections is respectfully requested.

It is noted that the amendments discussed in this section were not made to overcome art based rejections. Accordingly, such amendments should not be construed in a limiting manner.

#### **Rejection under 35 U.S.C. § 101**

Claim 30 was rejected under § 101 because the claimed inventions are directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

As discussed above, Applicants have amended claim 30 to depend on independent claim 21. Applicants proffer that claim 21 is directed to a statutory subject matter and is patentable. Therefore, claim 30 is also directed to a statutory subject matter and is patentable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Rejections under 35 U.S.C. § 103**

Claims 1-30 were rejected under 35 U.S.C. § 103(a) as being obvious over Alfred et al. (U.S. Pub. No. 2003/0187808) in view of Thompson et al. (U.S. Pub. No. 2004/0068485) and in further view of Whiteknucklewelding.com. Applicants respectfully traverse this rejection.

The present invention is directed to marine product configuration and pricing systems and methods. In particular, the methods and systems of the present invention are able to generate a price that is based upon the differing set of prices for these options as the product is configured. In addition, the methods and systems of the present invention are directed to display both the custom and dealer cost for all selected items as part of the configuration process.

##### **A. Claims 1-11**

Claim 1 recites, among other things, "an index product module for displaying all of available products that may be configured." (emphasis added) Claim 1 also recites a markup module for specifying an amount a dealer price is to be increased for a product and optional item and a price quoting generation module generating a customer price for the product, selected

U.S. Patent Application Serial No. 10/696,298  
Reply to Office Action dated July 6, 2007

optional items, and a total price for the configured product using pricing data from the markup module.

In contrast, Alfred et al. fails to disclose or suggest such features. Rather, Alfred et al. discloses an input screen whereby a requester provides information relating to a custom paper product. See, e.g., para. 0099; FIG. 7. In other words, the requester will input some information to require the provider to provide the quotation. The input screen disclosed in Alfred et al. does not display all of available products because the requester needs to input some information to complete the request for the quotation. Therefore, Alfred et al. fails to disclose an index product module for displaying all of available products that may be configure as recited in claim 1 of the present application.

Further, Alfred et al. discloses applying the selected markup to the cost of manufacturing the custom-processed paper product. See, e.g., para. 0016; FIG. 3. Alfred et al. further discloses that the price is determined by applying a markup to the product cost determined at step 202. See, e.g., para. 0060. However, Alfred et al. fails to disclose or suggest both a markup module for specifying a dealer price and a price quoting generation module generating a custom price together as recited in claim 1 of the present application.

Moreover, neither Thompson et al. nor Whiteknucklewelding.com discloses above features recited in claim 1 of the present application. Applicants do not concede that it is proper to combine the disclosures of the references as suggested in the Office Action. However, even if one were to make such combination, the combination fails to disclose or suggest the features recited in claim 1. Accordingly, reconsideration and allowance of claim 1 are respectfully requested, for at least the above reasons.

Claim 2 recites the index product module includes a first hyperlink corresponding to every product that is to be configured. None of the cited references disclose such feature. Therefore, even if it is proper to combine the cited references (which point Applicants do not concede), the combination fails to disclose or suggest all limitations of claim 2. Claim 2 should be allowable.

U.S. Patent Application Serial No. 10/696,298  
Reply to Office Action dated July 6, 2007

Claim 3 recites the index product module includes a second hyperlink corresponding to every product to be configured which presents specification data corresponding to a particular product. Claim 4 recites the specification data is displayed within an HTML document, and claim 5 recites the specification data is displayed within a PDF document.

As admitted in the Office Action, Alfred et al. fails to disclose above features recited in claims 3-5. See page 7 of the Office Action. Neither Thompson et al. nor Whiteknucklewelding.com discloses above features. Therefore, claims 3-5 should be allowable.

Claims 6-11 are dependent on claim 1 and so are also believed to be allowable over the art of record for those reasons discussed above with respect to claim 1. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

**B. Claims 12-30**

Claims 12 and 21 recite, among other things, a method includes selecting a configurable product from a group of available products, selecting one or more optional items from a group of available optional items corresponding to the selected configurable product, generating a dealer cost for the selected configurable product and the selected one or more optional items from a database of dealer costs, and generating a customer price for the selected configurable product and the selected one or more optional items using the dealer costs and a price increase value corresponding to the selected configurable product and to each of the selected one or more selected optional items.

For the similar reasons advanced above regarding claim 1, claims 12 and 21 should also be allowable.

Claims 13-20 and 22-30 are dependent on independent claim 12 or claim 21 and so are also believed to be allowable over the art of record for those reasons discussed above with

U.S. Patent Application Serial No. 10/696,298  
Reply to Office Action dated July 6, 2007

respect to claims 12 and 21. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

#### New Claims

New claims 31-38 have been added.

#### Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney at 612.371.5347 to discuss the same.

Respectfully submitted,

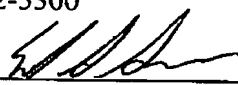


Dated: 11/5/2007

EGS:SZ:le

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

By

  
Erik G. Swenson  
Reg. No. 45,147